

1 KEVIN V. RYAN (CASB #118321)
United States Attorney

2 Attorney for Plaintiff

ORIGINAL
FILED

DEC - 9 2004

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DAVID LOPEZ QUINTANA,
14 a.k.a. David Louis Lopez-Quintana

15 Defendant.

Criminal No.:

CR04-40193

VIOLATIONS: 26 U.S.C.
§ 7202 -- Willful Failure
To Account For and Pay Over
Withheld Taxes (Counts 1
through 8); 26 U.S.C.
§ 7201 - Tax Evasion
(Counts 9 through 16)

OAKLAND VENUE

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19 INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (26 U.S.C. § 7202)

22 On or about April 15, 1999, in the Northern District of California, the defendant

23 DAVID LOPEZ QUINTANA
24 a.k.a. David Louis Lopez-Quintana,

25 then a resident of Danville, California, who, as the President and responsible person for TCCG,
26 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto
27 Stereo, Car Stereo Warehouse, and Beeper City with its principal place of business in San
28 Leandro, California, during the third quarter of 1998, ending September 30, 1998, was required

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1 by the tax laws of the United States to collect, account for, and pay over to the Internal Revenue
2 Service federal income and Federal Insurance Contributions Act (hereafter "FICA") taxes on a
3 quarterly basis, willfully failed to account for and pay over to the Internal Revenue Service said
4 federal income and FICA taxes, which had been withheld from the total taxable wages of
5 employees of TCCG, Inc. employees in the amount of \$52,854.87, in violation of Title 26,
6 United States Code, Section 7202.

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8 COUNT TWO: (26 U.S.C. § 7202)

9 On or about August 10, 1999, in the Northern District of California, the
10 defendant

11 DAVID LOPEZ QUINTANA
12 a.k.a. David Louis Lopez-Quintana,

13 then a resident of Danville, California, who, as the President and responsible person for TCCG,
14 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto
15 Stereo, Car Stereo Warehouse, and Beeper City with its principal place of business in San
16 Leandro, California, during the fourth quarter of 1998, ending December 31, 1998, was required
17 by the tax laws of the United States to collect, account for, and pay over to the Internal Revenue
18 Service federal income and Federal Insurance Contributions Act (hereafter "FICA") taxes on a
19 quarterly basis, willfully failed to account for and pay over to the Internal Revenue Service said
20 federal income and FICA taxes, which had been withheld from the total taxable wages of
21 employees of TCCG, Inc. employees in the amount of \$51,241.20, in violation of Title 26,
22 United States Code, Section 7202.

23 COUNT THREE: (26 U.S.C. § 7202)

24 On or about April 15, 2000, in the Northern District of California, the defendant

25 DAVID LOPEZ QUINTANA
26 a.k.a. David Louis Lopez-Quintana,

27 then a resident of Danville, California, who, as the President and responsible person for TCCG,
28 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto

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1 Stereo, Car Stereo Warehouse, and Beeper City with its principal place of business in San
2 Leandro, California, during the first quarter of 1999, ending March 31, 1999, was required by the
3 tax laws of the United States to collect, account for, and pay over to the Internal Revenue Service
4 federal income and Federal Insurance Contributions Act (hereafter "FICA") taxes on a quarterly
5 basis, willfully failed to account for and pay over to the Internal Revenue Service said federal
6 income and FICA taxes, which had been withheld from the total taxable wages of employees of
7 TCCG, Inc. employees in the amount of \$81,079.76, in violation of Title 26, United States Code,
8 Section 7202.

9
10 COUNT FOUR: (26 U.S.C. § 7202)

11 On or about April 15, 2000, in the Northern District of California, the defendant
12 **DAVID LOPEZ QUINTANA**
13 a.k.a. David Louis Lopez-Quintana,
14 then a resident of Danville, California, who, as the President and responsible person for TCCG,
15 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto
16 Stereo, Car Stereo Warehouse, Beeper City with its principal place of business in San Leandro,
17 California, during the second quarter of 1999, ending June 30, 1999, was required by the tax laws
18 of the United States to collect, account for and pay over to the Internal Revenue Service federal
19 income taxes and Federal Insurance Contribution Act taxes in the sum of \$30,309.41 from the
20 total taxable wages of employees of TCCG, Inc., in violation of Title 26, United States Code,
21 Section 7202.

22 COUNT FIVE: (26 U.S.C. § 7202)

23 On or about April 15, 2000, in the Northern District of California, the defendant
24 **DAVID LOPEZ QUINTANA**
25 a.k.a. David Louis Lopez-Quintana,
26 then a resident of Danville, California, who, as the President and responsible person for TCCG,
27 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto
28 Stereo, Car Stereo Warehouse, Beeper City with its principal place of business in San Leandro,

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1 California, during the third quarter of 1999, ending September 30, 1999, was required by the tax
2 laws of the United States to collect, account for and pay over to the Internal Revenue Service
3 federal income taxes and Federal Insurance Contribution Act taxes in the sum of \$71,550.65
4 from the total taxable wages of employees of TCCG, Inc., in violation of Title 26, United States
5 Code, Section 7202.

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7 COUNT SIX: (26 U.S.C. § 7202)

8 On or about April 15, 2000, in the Northern District of California, the defendant

9 DAVID LOPEZ QUINTANA
a.k.a. David Louis Lopez-Quintana,

10 then a resident of Danville, California, who, as the President and responsible person for TCCG,
11 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto
12 Stereo, Car Stereo Warehouse, Beeper City with its principal place of business in San Leandro,
13 California, during the fourth quarter of 1999, ending December 31, 1999, was required by the tax
14 laws of the United States to collect, account for and pay over to the Internal Revenue Service
15 federal income taxes and Federal Insurance Contribution Act taxes in the sum of \$76,252.45
16 from the total taxable wages of employees of TCCG, Inc., in violation of Title 26, United States
17 Code, Section 7202.

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19 COUNT SEVEN: (26 U.S.C. § 7202)

20 On or about April 15, 2001, in the Northern District of California, the defendant

21 DAVID LOPEZ QUINTANA
22 a.k.a. David Louis Lopez-Quintana,

23 then a resident of Danville, California, who, as the President and responsible person for TCCG,
24 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto
25 Stereo, Car Stereo Warehouse, Beeper City with its principal place of business in San Leandro,
26 California, during the third quarter of 2000, ending September 30, 2000, was required by the tax
27 laws of the United States to collect, account for and pay over to the Internal Revenue Service
28 federal income taxes and Federal Insurance Contribution Act taxes in the sum of \$16,667.62

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1 from the total taxable wages of employees of TCCG, Inc., in violation of Title 26, United States
2 Code, Section 7202.

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4 COUNT EIGHT: (26 U.S.C. § 7202)

5 On or about April 15, 2001, in the Northern District of California, the defendant

6 DAVID LOPEZ QUINTANA
7 a.k.a. David Louis Lopez-Quintana,

8 then a resident of Danville, California, who, as the President and responsible person for TCCG,
9 Inc., a corporation and holding company for Progressive Auto Stereo, OCCG, Inc., Bayfair Auto
10 Stereo, Car Stereo Warehouse, Beeper City with its principal place of business in San Leandro,
11 California, during the fourth quarter of 2000, ending December 31, 2000, was required by the tax
12 laws of the United States to collect, account for and pay over to the Internal Revenue Service
13 federal income taxes and Federal Insurance Contribution Act taxes in the sum of \$42,032.02
14 from the total taxable wages of employees of TCCG, Inc., in violation of Title 26, United States
15 Code, Section 7202.

16
17 COUNT NINE: (26 U.S.C. § 7201)

18 On or about April 15, 1999, in the Northern District of California, the defendant

19 DAVID LOPEZ QUINTANA
20 a.k.a. David Louis Lopez-Quintana,

21 then a resident of Danville, California, who as the president and responsible person for TCCG,
22 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act:(hereafter
23 "FICA") tax due and owing in the amount of \$38,233.72 to the United States of America for the
third quarter of 1998, ending September 30, 1998, by the following means:

- 24 a) Providing employees of TCCG, Inc. with false IRS forms
25 to wit: W-2 forms showing that withholding information
26 that was not paid to the IRS;
27 b) Purchasing a residential home in Pleasanton, California,
28 using a nominee name for the purpose of concealing his

- 1 ownership interest;
- 2 c) Transferring funds from corporate bank accounts to a personal
- 3 bank account for the apparent purpose of concealing taxable income;
- 4 d) Selling several personal assets and receiving financial gains in the transactions
- 5 and failing to pay his FICA tax liability with the IRS; and,
- 6 e) Directing available corporate funds to be used for other purposes than
- 7 to pay the IRS for the owed FICA taxes.

8 all in violation of Title 26, United States Code, Section 7201.

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10 COLNT TEN: (26 U.S.C. §7201)

11 On or about August 10, 1999, in the Northern District of California, the defendant

12 **DAVID LOPEZ QUINTANA**

13 a.k.a. David Louis Lopez-Quintana,

14 then a resident of Danville, California, who as the president and responsible person for TCCG,

15 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act (hereafter

16 "FICA") tax due and owing in the amount of \$36,349.77 to the United States of America for the

17 fourth quarter of 1998, ending December 31, 1998, by the following means:

- 18 a) Providing employees of TCCG, Inc. with false IRS forms
- 19 to wit: W-2 forms showing that withholding information
- 20 that was not paid to the IRS;
- 21 b) Purchasing a residential home in Pleasanton, California,
- 22 using a nominee name for the purpose of concealing his
- 23 ownership interest;
- 24 c) Transferring funds from corporate bank accounts to a personal
- 25 bank account for the apparent purpose of concealing taxable income;
- 26 d) Selling several personal assets and receiving financial gains in the transactions
- 27 and failing to pay his FICA tax liability with the IRS; and,
- 28 e) Directing available corporate funds to be used for other purposes than

1 to pay the IRS for the owed FICA taxes.
2 all in violation of Title 26, United States Code, Section 7201.
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4 COUNT ELEVEN: (26 U.S.C. §7201)

5 On or about April 15, 2000, in the Northern District of California, the defendant
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7 **DAVID LOPEZ QUINTANA**
8 a.k.a. David Louis Lopez-Quintana,
9 then a resident of Danville, California, who as the president and responsible person for TCCG,
10 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act (hereafter
11 "FICA") tax due and owing in the amount of \$34,586.74 to the United States of America for the
12 first quarter of 1999, ending March 31, 1999, by the following means:

- 13 a) Providing employees of TCCG, Inc. with false IRS forms
14 to wit: W-2 forms showing that withholding information
15 that was not paid to the IRS;
16 b) Purchasing a residential home in Pleasanton, California,
17 using a nominee name for the purpose of concealing his
18 ownership interest;
19 c) Transferring funds from corporate bank accounts to a personal
20 bank account for the apparent purpose of concealing taxable income;
21 d) Selling several personal assets and receiving financial gains in the transactions
22 and failing to pay his FICA tax liability with the IRS; and,
23 e) Directing available corporate funds to be used for other purposes than
24 to pay the IRS for the owed FICA taxes.

25 all in violation of Title 26, United States Code, Section 7201.
26

27 COUNT TWELVE: (26 U.S.C. §7201)

28 On or about April 15, 2000, in the Northern District of California, the defendant
DAVID LOPEZ QUINTANA
a.k.a. David Louis Lopez-Quintana,

1 then a resident of Danville, California, who as the president and responsible person for TCCG,
2 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act (hereafter
3 "FICA") tax due and owing in the amount of \$34,773.60 to the United States of America for the
4 second quarter of 1999, ending June 30, 1999, by the following means:

- 5 a) Providing employees of TCCG, Inc. with false IRS forms
6 to wit: W-2 forms showing that withholding information
7 that was not paid to the IRS;
- 8 b) Purchasing a residential home in Pleasanton, California,
9 using a nominee name for the purpose of concealing his
10 ownership interest;
- 11 c) Transferring funds from corporate bank accounts to a personal
12 bank account for the apparent purpose of concealing taxable income;
- 13 d) Selling several personal assets and receiving financial gains in the transactions
14 and failing to pay his FICA tax liability with the IRS; and,
- 15 e) Directing available corporate funds to be used for other purposes than
16 to pay the IRS for the owed FICA taxes.

17 all in violation of Title 26, United States Code, Section 7201.

18
19 **COUNT THIRTEEN:** (26 U.S.C. §7201)

20 On or about April 15, 2000, in the Northern District of California, the defendant

21 **DAVID LOPEZ QUINTANA**
22 a.k.a. David Louis Lopez-Quintana,

23 then a resident of Danville, California, who as the president and responsible person for TCCG,
24 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act (hereafter
25 "FICA") tax due and owing in the amount of \$34,794.35 to the United States of America for the
26 third quarter of 1999, ending September 30, 1999, by the following means:

- 27 a) Providing employees of TCCG, Inc. with false IRS forms
28 to wit: W-2 forms showing that withholding information

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1 that was not paid to the IRS;

- 2 b) Purchasing a residential home in Pleasanton, California,
3 using a nominee name for the purpose of concealing his
4 ownership interest;
- 5 c) Transferring funds from corporate bank accounts to a personal
6 bank account for the apparent purpose of concealing taxable income;
- 7 d) Selling several personal assets and receiving financial gains in the transactions
8 and failing to pay his FICA tax liability with the IRS; and,
- 9 e) Directing available corporate funds to be used for other purposes than
10 to pay the IRS for the owed FICA taxes.

11 all in violation of Title 26, United States Code, Section 7201.

12
13 **COUNT FOURTEEN:** (26 U.S.C. §7201)

14 On or about April 15, 2000, in the Northern District of California, the defendant

15 **DAVID LOPEZ QUINTANA**
16 a.k.a. David Louis Lopez-Quintana,

17 then a resident of Danville, California, who as the president and responsible person for TCCG,
18 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act (hereafter
19 "FICA") tax due and owing in the amount of \$34,821.33 to the United States of America for the
20 fourth quarter of 1999, ending December 31, 1999, by the following means:

- 21 a) Providing employees of TCCG, Inc. with false IRS forms
22 to wit: W-2 forms showing that withholding information
23 that was not paid to the IRS;
- 24 b) Purchasing a residential home in Pleasanton, California,
25 using a nominee name for the purpose of concealing his
26 ownership interest;
- 27 c) Transferring funds from corporate bank accounts to a personal
28 bank account for the apparent purpose of concealing taxable income;

- 1 d) Selling several personal assets and receiving financial gains in the transactions
2 and failing to pay his FICA tax liability with the IRS; and,
3 e) Directing available corporate funds to be used for other purposes than
4 to pay the IRS for the owed FICA taxes.

5 all in violation of Title 26, United States Code, Section 7201.

6
7 COUNT FIFTEEN: (26 U.S.C. §7201)

8 On or about April 15, 2001, in the Northern District of California, the defendant

9 **DAVID LOPEZ QUINTANA**
a.k.a. David Louis Lopez-Quintana,

10 then a resident of Danville, California, who as the president and responsible person for TCCG,
11 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act (hereafter
12 "FICA") tax due and owing in the amount of \$20,120.93 to the United States of America for the
13 third quarter of 2000, ending September 30, 2000, by the following means:

- 14 a) Providing employees of TCCG, Inc. with false IRS forms
15 to wit: W-2 forms showing that withholding information
16 that was not paid to the IRS;
17 b) Purchasing a residential home in Pleasanton, California,
18 using a nominee name for the purpose of concealing his
19 ownership interest;
20 c) Transferring funds from corporate bank accounts to a personal
21 bank account for the apparent purpose of concealing taxable income;
22 d) Selling several personal assets and receiving financial gains in the transactions
23 and failing to pay his FICA tax liability with the IRS; and,
24 e) Directing available corporate funds to be used for other purposes than
25 to pay the IRS for the owed FICA taxes.

26 all in violation of Title 26, United States Code, Section 7201.
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1 COUNT SIXTEEN. (26 U.S.C. §7201)

2 On or about April 15, 2001, in the Northern District of California, the defendant

3 **DAVID LOPEZ QUINTANA**
4 a.k.a. David Louis Lopez-Quintana,

5 then a resident of Danville, California, who as the president and responsible person for TCCG,
6 Inc., did willfully attempt to evade and defeat the Federal Insurance Contributions Act (hereafter
7 "FICA") tax due and owing in the amount of \$17,345.44 to the United States of America for the
8 fourth quarter of 2000, ending December 31, 2000, by the following means:

- 9 a) Providing employees of TCCG, Inc. with false IRS forms
10 to wit: W-2 forms showing that withholding information
11 that was not paid to the IRS;
12 b) Purchasing a residential home in Pleasanton, California,
13 using a nominee name for the purpose of concealing his
14 ownership interest;
15 c) Transferring funds from corporate bank accounts to a personal
16 bank account for the apparent purpose of concealing taxable income;
17 d) Selling several personal assets and receiving financial gains in the transactions
18 and failing to pay his FICA tax liability with the IRS; and,
19 e) Directing available corporate funds to be used for other purposes than
20 to pay the IRS for the owed FICA taxes.

21 all in violation of Title 26, United States Code, Section 7201.
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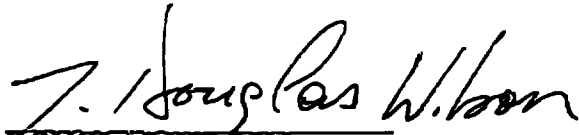
24 A TRUE BILL.

25 DATED: 12/9/04

26 Margaret y. J.
27 FOREPERSON
28

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1 KEVIN V. RYAN
2 United States Attorney

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5 DOUGLAS WILSON
6 Acting Chief, Oakland Division

7 (Approved as to form
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10 AUSA K. BRIGGS
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